



HENRY McMASTER
GOVERNOR

March 14, 2022

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-128, S. 912, which seeks to amend Act No. 593 of 1992, imposing limitations on the allowable amount of cash reserves for Dorchester County School District Nos. 2 and 4 (“Districts”), so as to increase the permissible amount of cash in reserves from 5% to 15% of the Districts’ total operating budgets. The bill also seeks to exempt Dorchester County School District No. 4 from the increased limit for Fiscal Year 2021–2022. For the reasons set forth below, I am compelled to veto S. 912.

As the General Assembly is aware, like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation “for a specific county” and “where a general law can be made applicable.” S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(IX). Although our courts have held that greater deference is warranted in the context of public education, “legislation regarding education is not exempt from the requirements of Article III, § 34(IX).” Therefore, I carefully review and consider all such legislation presented to me and scrutinize the same in view of the governing law. Absent other issues or infirmities, I have, on occasion, signed local legislation that is not clearly unconstitutional, such as where a general law could not be made applicable or the General Assembly has established that a special law is necessary to “best meet the exigencies of [this] particular situation.” *Charleston Cty. Sch. Dist. v. Harrell*, 393 S.C. 552, 559, 713 S.E.2d 604, 608 (2011). Regardless, I have consistently cautioned the General Assembly to avoid or limit the regular resort to this practice and encouraged legislators to address similar issues in the future by passing laws of uniform, statewide application.

Here, S. 912 would apply to only a single county, and the General Assembly has not established that a special law is necessary to “best meet the exigencies of [this] particular situation.” *Id.* Moreover, it appears that a general law could be made applicable. Indeed, given the significant federal funds currently available to school districts, whatever the concern is that prompted this bill, one can fairly presume that other school districts are facing the same or similar

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issue. Therefore, rather than micromanaging the operations of these Districts (and others) through piecemeal and inconsistent special legislation, this matter is likely worthy of consideration, and scrutiny, on a statewide basis. Accordingly, I am compelled to reiterate my longstanding concerns regarding the General Assembly's seemingly routine reliance on local or special legislation, which has produced a patchwork of authorities governing South Carolina's schools and school districts.

For the foregoing reasons, I am respectfully vetoing R-128, S. 912 and returning the same without my signature.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", is written in a cursive style.

Henry McMaster